

Requirement for Information under 37 CFR 1.105

The Examiner requested information that “was disclosed on the internet and existed as early as of October 2002” regarding the invention. The product mentioned by the Examiner (Web Site Complete v. 5.0), its instructions for use and marketing materials would all have been electronic and displayed on-line. Go Daddy’s current automated method for long term storage of software stores the software on large tapes that get stored at an off-site location making retrieving a particular piece of software difficult to recover. Hard copies of the computer code, instructions for use and/or marketing materials were not systematically created and saved from that time period. Hard copies, if they ever existed, would be over eight years old and most likely destroyed. The inventor of the present invention no longer works at Go Daddy. **Thus, Applicant does not have or cannot readily obtain all the items of required information.**

Applicant, in attempting to comply with the candor and good faith requirement under 37 CFR 1.56, provides the following information in response to the Requirement for Information in the Office Action of November 12, 2009 and repeated in the Office Action of July 22, 2010. On the next page is a web page that was recently found using a third party Internet archival tool and states “Try it for just \$14.95 WebSite Complete® 5.0 comes with 470 templates and 2,500 images! Learn More.”

The specification as filed in the Background of the Invention states on page 4, fourth paragraph states:

There are various products and tools commercially available to assist Entrepreneurs in designing their web sites that allow even Entrepreneurs with limited computer abilities to design their own web sites. The easiest web site designing tools to use provide a plurality of templates that Entrepreneurs may select from. Once a template is chosen, the same template may be used for each web page in the web site. The Entrepreneurs may insert text or graphics into specific locations on the chosen template set aside for those features. Templates provide a uniform look and feel for each web page within a web site so that a Customer can tell that they are in the same web site as they move from web page to web page within the web site. (emphasis added)

Thus, the general concept of using templates to design web sites is admitted as being prior art in the Background of the Invention section on page 5 of the specification. It is believed that this technology was what was being used by WebSite Complete 5.0 on or around October 2002.

Go Daddy Software:

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The screenshot shows the GoDaddy.com homepage. At the top, there's a banner stating "#1 in net new domain registrations in 2002". Below it is a navigation bar with links like Home, Support, 24/7 Customer Support, Help Center, Programs, Help, Go To: Main Site, and a search bar. A large central heading says "Your domain search starts here!" with a sub-instruction "Enter a domain name". Below this is a search field with ".com" selected. To the right of the search field are links for "FAQ", "Private Registrations", "Federal Copyright Protection", and "Pay With Cash". On the left, there's a sidebar with a "Domain Forwarding!" offer for \$5.95/mo. It also lists "Change of Ownership", "Parked Page!", "Domain Locking", and "Status Alerts". A large circular graphic on the left promotes "WebSite Constructor 5.0" for \$14.95. Other sections include "DomainAlert™ Pro" for \$9.95/10-pack!, "Pop-Up Blocking Internet Cleaning, Privacy Protecting, File Securing, PC protection software" for \$29.95, and a "Used Domain Store" section. At the bottom, there's a footer with links for Home, Catalog, Shopping Cart, Account Setup, Case Studies, FAQ, Support, Reader Program, What's New, Comparison, Frequently Asked Questions, and Legal Agreements. A copyright notice at the very bottom reads "Copyright © 2003 Go Daddy Software, Inc. All rights reserved."

107_29_23_27.3v_1.61
23.11.11.95

<http://web.archive.org/web/20030401091726/www.godaddy.com/gdshop/default.asp?c=com>

1/14/2011

REMARKS

Suggestions or Constructive Comments Requested

As a preliminary matter, Applicant respectfully requests the Examiner to provide suggestions or constructive comments regarding claimed material that the Examiner may believe to be allowable subject matter if properly claimed as directed by MPEP 707.07(j)(II).

Claim Rejection – 35 USC § 101

The OA rejected claims 1-12 and 19 as being directed to non-statutory subject matter. While not agreeing with this rejection, Applicant has nevertheless amended all the independent claims to moot this rejection. The independent claims now include the following limitations that either tie the claims to one or more particular machines or clearly show the web sites are doing more than merely displaying information.

- 1) the “Internet;”
- 2) “a plurality of Entrepreneurs’ web sites hosted on servers;”
- 3) “the Facilitator’s web site providing web site design services,” and
- 4) “a store front web site detecting which Entrepreneur’s web site, from a plurality of Entrepreneurs’ web sites, a Customer came from.”

At least for these reasons, Applicant respectfully requests the withdrawal of this rejection.

Claim Rejection – 35 USC § 102

I. Cohen does not disclose a store front web site detecting which Entrepreneur's web site, from a plurality of Entrepreneur's web sites, a Customer came from.

The OA on page 8 rejected claims 1-12 and 19 as being anticipated by Cohen (US 6,263,352). While not agreeing with the rejection, Applicant has amended all the independent claims. Amended claim 1 can be used as an example of why Cohen does not anticipate the other independent claims (claims 7 and 19), and states:

1. (Currently amended) A method for a Facilitator to assist an Entrepreneur in creating an Internet business, comprising the steps of:
 - A) creating a Facilitator's web site on the Internet accessible to a plurality of Entrepreneurs;
 - B) the Facilitator's web site assisting an Entrepreneur from the plurality of Entrepreneurs via the Internet in designing an Entrepreneur's web site by providing web site design services used by the plurality of Entrepreneurs to design a plurality of Entrepreneurs' web sites hosted on servers, wherein each Entrepreneur submits a template and a set of data to be used for that Entrepreneur's web site;
 - C) a store front web site detecting which Entrepreneur's web site, from the plurality of Entrepreneurs' web sites, a Customer came from; and
 - D) customizing the store front web site using the same template and the set of data used by the detected Entrepreneur's web site.
 - C) the Facilitator's web site assisting the Entrepreneur via the Internet in designing a store front web site; and
 - D) wherein the Entrepreneur's web site and the store front web site were designed using the same template.

Thus, claim 1 includes the limitation of “a store front web site detecting which Entrepreneur’s web site, from the plurality of Entrepreneurs’ web sites, a Customer came from.” The advantages (and support for the amendments) may be found at least in the first paragraph on page 20 of the specification which states:

A single store front web site 109 may be dedicated to each Entrepreneur’s web site 107. However, a much more efficient use of computer resources may be achieved by allowing a single store front web site 109 to handle a plurality of different Entrepreneurs’ web sites 107. This may be accomplished by enabling the store front web site 109 to detect which Entrepreneur’s web site 107 the Customer 100 came from and then displaying the store front web site 109 using the template and data previously submitted by the Entrepreneur 101 for that Entrepreneur’s web site 107. This allows the store front web site 109 to be customized by each Entrepreneur 101 and appear as if it were an integral part for a large number of different Entrepreneurs’ web sites. (Step 204) The Facilitator’s web site 105 may also use information previously stored regarding the Entrepreneur 101 in designing the store front web site 109. (Step 302) (emphasis added)

In contrast to the present invention, Cohen does not teach step C) of claim 1, which states “a store front web site that detects which Entrepreneur’s web site, from the plurality of Entrepreneurs’ web sites, a Customer came from.”

II. Cohen does not disclose customizing a store front web site using the same template and the set of data used by the detected Entrepreneur's web site.

In addition, even if Cohan did teach "a store front web site detecting which Entrepreneur's web site, from a plurality of Entrepreneurs' web sites, a Customer came from," Cohen does not teach "customizing the store front web site using the same template and the set of data used by the **detected** Entrepreneur's web site." (emphasis added)

Thus, Cohan does not anticipate claim 1 (or claims 7 and 19 for similar reasons) and applicant respectfully requests the withdrawal of the rejection and the allowance of all the claims.

III. Go Daddy does not teach the claimed invention for the same reasons as Cohen.

The OA on page 13 rejected claims 1-12 and 19 as being anticipated by Go Daddy Software: WebSite Complete v 5.0 (from around October 2002). While not agreeing, Applicant has amended the claims and believes Go Daddy did not teach (or use) the process back in or around October 2002 as now explicitly claimed in amended steps C) and D) of claim 1, *i.e.*:

- C) a store front web site detecting which Entrepreneur's web site, from the plurality of Entrepreneurs' web sites, a Customer came from; and
- D) customizing the store front web site using the same template and the set of data used by the detected Entrepreneur's web site.

Thus, Applicant respectfully requests the withdrawal of this rejection and the allowance of all the claims.

IV. Dependent claims 2-6 and 8-12 should be allowed.

Independent claims 1 and 7 are believed allowable as shown above. Claims 2-6 depend from claim 1 and claims 8-12 depend from claim 7. Thus, dependent claims 2-6 and 8-12 should be allowed at least for this reason.

CONCLUSION

All claims currently present in this application are believed allowable over all of the art of record and prompt further examination of the application and its allowance are respectfully requested. Any questions or suggestions regarding the application submitted herewith should be directed to the undersigned attorneys for Applicant at the telephone number listed below or by email to the email address listed below.

Respectfully submitted,

The Go Daddy Group, Inc.

Date: 1/21/2011

/Stewart J. Womack/ Reg.# 45,230

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